

to be necessary, the undersigned further authorizes the Commissioner to charge the above-identified Deposit Account in the appropriate amount.

REMARKS

I. Election of Species under 37 CFR §1.146

The 7 November 2003 Office Action states that the application contains claims directed to two patentably distinct species of invention:

Species I, wherein a slip agent is in the seal layer to prevent leaking seals; and

Species II, wherein a surfactant is present in the seal layer to prevent leaking seals.

The Office Action states that Applicants are required to elect a single disclosed species for prosecution on the merits, and that the claims will be restricted to the elected species if no generic claim is finally held to be allowable.

In response to the restriction requirement, *Applicants hereby elect Species I (i.e., wherein the slip agent is present in the seal layer), without traverse.*

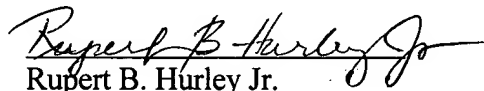
Although Applicants elect Species I without traverse, Applicants note that in imposing the species restriction requirement, the PTO is going on the record with the position that Species I is patentably distinct from Species II, i.e., that Species I and Species II are independent and patentably distinct relative to one another, i.e., are *patentable* over one another. This is a significant admission in that, for example, in combination with all other features recited in the independent claims, the PTO is taking the position that it would not have been obvious to use a surfactant in the seal layer if the prior art taught or suggested the use of a slip agent in the seal layer, and vice versa. If the PTO does not want to be bound by these admissions, Applicants

suggest that the restriction requirement be withdrawn. Otherwise, these admissions are open for use by Applicants during prosecution of the claims of both this application as well as any divisional applications filed on the patentably distinct species of the invention.

Conclusion

Applicants respectfully request entry of the election set forth above, as well as favorable consideration of the patentability of the claims, with a view towards allowance.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Rupert B. Hurley Jr.", written in dark ink.

Rupert B. Hurley Jr.

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